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September 26, 2013

United States of America, et al. v. American Express Co., et al.
No. 10-cv-4496 (NGG)(RER)

Dear Judge Garaufis:

We are co-counsel for the American Express Defendants in the above-entitled action. Pursuant to the Court's September 13, 2013, Order entered in *In Re American Express Anti-Steering Rules Litig. (II)*, Case No. 11-MD-02221 (D.E. 273), I attach two courtesy copies of the following documents, which were filed and served today:


1. Defendants' Notice of Motion for Summary Judgment, dated September 26, 2013, and [Proposed] Order.
2. Memorandum of Law in Support of Defendants' Motion for Summary Judgment, dated September 26, 2013 (filed under seal).
3. Defendants' Statement of Material Undisputed Facts in Support of Their Motion for Summary Judgment, dated September 26, 2013 (filed under seal).
4. Declaration of Kevin J. Orsini in Support of Defendants' Motion for Summary Judgment, dated September 26, 2013, with accompanying exhibits (filed under seal).
5. Defendants' Motion for Leave to File Under Seal their Memorandum of Law in Support of Defendants' Motion for Summary Judgment, Defendants' Statement of Material Undisputed Facts in Support of Their Motion for Summary Judgment, and the Declaration of Kevin J. Orsini in Support of Defendants' Motion for Summary Judgment, with accompanying exhibits.

Pursuant to Section I.D of the Court's Individual Rules, Exhibits 1-192 to the Declaration of Kevin J. Orsini have been submitted in PDF form on CD, two courtesy copies of which are included herewith. In addition, for the Court's convenience we have enclosed one hard copy set of the materials contained on the CD.¹

Plaintiffs' opposition papers to this motion are due on November 21, 2013, and American Express's reply papers are due on January 9, 2014.

American Express respectfully requests oral argument on this motion.

Respectfully,



Evan R. Chesler

Hon. Nicholas Garaufis
U.S. District Court
Eastern District Court of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Encls.

BY HAND

Copies w/o encls to:

Hon. Magistrate Ramon E. Reyes, Jr.
U.S. District Court
Eastern District Court of New York
225 Cadman Plaza East
Brooklyn, NY 11201

BY HAND

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¹ Some of the documents in hard copy have been excerpted due to their size. The full versions of those documents have been filed with the Clerk's Office and have been provided electronically on the enclosed CDs.

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